

UNITED STATES DISTRICT COURT

for the

Western District of Arkansas

United States of America)

v.)

Clarence Steele)

Date of Previous Judgment: November 16, 2004
(Use Date of Last Amended Judgment if Applicable)

Case No: 2:04CR20016-002

USM No: 07380-010

David Dunagin

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED, ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is reduced to 120 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>29</u>	Amended Offense Level: <u>27</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>121</u> to <u>151</u> months	Amended Guideline Range: <u>120</u> to <u>125</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Defendant is subject to a mandatory minimum sentence of 120 months.

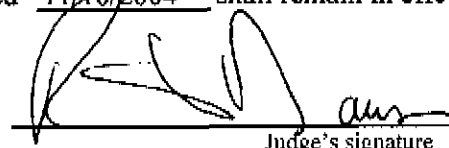
III. ADDITIONAL COMMENTS

The Court held a hearing on Defendant's motion permitting defense counsel to present argument and evidence for the Court to consider in reducing Defendant's sentence below the mandatory minimum. Defense counsel submitted into evidence a six-page exhibit of arguments from Defendant on this issue.

Except as provided above, all provisions of the judgment dated 11/16/2004 shall remain in effect.

IT IS SO ORDERED.

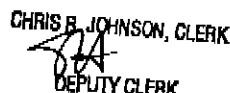
Order Date: November 18, 2008


Judge's signature

Effective Date: NOV 18 2008
(if different from order date)

Honorable Robert T. Dawson, U.S. District Judge
Printed name and title

BY


CHRIS B. JOHNSON, CLERK
DEPUTY CLERK

U.S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED